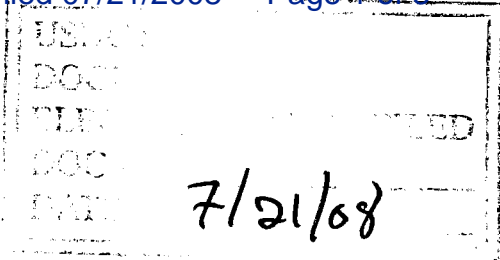


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X  
:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
TODD CATANZANO, :  
:  
Defendant. :  
:  
- - - - -X



STIPULATION AND ORDER

08 Cr. 546 (RMB)

WHEREAS, on or about February 13, 2008, agents of the Drug Enforcement Administration ("DEA"), seized \$6,300.00 in United States currency (the "Seized Currency") during the arrest of Todd Catanzano (the "defendant");

WHEREAS, the DEA initiated an administrative forfeiture action seeking the forfeiture of the Seized Currency, by serving notice and advertising seizure of the Seized Currency;

WHEREAS, on or about April 3, 2008, the defendant, through his attorney, Frederick H. Cohn, Esq., filed a claim with the DEA contesting the seizure and seeking return of the Seized Currency;

WHEREAS, the defendant has demonstrated to the United States that the Seized Currency does not constitute the proceeds of a narcotics trafficking offense or funds traceable thereto;

WHEREAS, no other party has claimed an interest in the Seized Currency;

WHEREAS, the United States and the defendant have agreed to resolve the claim to the Seized Currency on the terms and

conditions set forth herein;

IT IS HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS, by and between the office of Michael J. Garcia, United States Attorney, Assistant United States Attorney David A. O'Neil, and the defendant, and his counsel, Frederick H. Cohn, Esq., that:

1. The United States of America agrees to return the Seized Currency (\$6,300.00) to the defendant.

2. The defendant waives, and is barred from asserting, any further claim against the United States, the Department of Justice ("DOJ"), the United States Attorney's Office for the Southern District of New York ("USAO-SDNY"), the United States Marshals Service ("USMS"), or the Drug Enforcement Administration ("DEA"), or agents, officers, or employees of the United States, DOJ, USAO-SDNY, USMS, and DEA, in connection with the seizure, possession, and forfeiture of the Seized Currency or other seized property including, but not limited to, any claim that there was no probable cause to seize, possess, and forfeit the Seized Currency or other seized property, or for costs or attorney fees.

3. The defendant holds harmless the United States, DOJ, USAO-SDNY, USMS, and DEA, and any and all agents, officers, and employees of the United States, DOJ, USAO-SDNY, USMS, and DEA from any and all claims arising from any acts, incidents, or occurrences in connection with the seizure, possession, and forfeiture of the Seized Currency, including but not limited to,

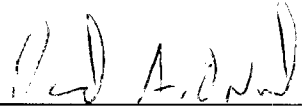
any third-party claims of ownership of the Seized Currency.

4. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


5. Each party shall bear their own costs and attorney fees.

AGREED AND CONSENTED TO:

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

BY:   
David A. O'Neil  
Assistant United States Attorney  
One Saint Andrew's Plaza  
New York, New York 10007  
(212) 637-2533

7-17-08  
DATE


  
Frederick H. Cohn, Esq.  
Attorney for Todd Catanzano  
61 Broadway, Suite 1601  
New York, New York 10006  
(212) 768-1110

7/17/08  
DATE

  
Todd Catanzano

7/17/08  
DATE

SO ORDERED:

  
HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

7/17/08  
DATE